

1 **UNITED STATES DISTRICT COURT**2 **DISTRICT OF NEVADA**

3 STEVEN C. BRYAN,

4 Plaintiff

5 v.

6 WASHOE TRIBAL COUNCIL AND SUB-
7 ENTITIES THEREIN,

8 Defendants

Case No.: 3:23-cv-00186-ART-CSD

Order

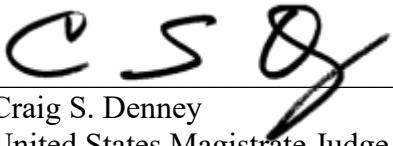
9 Plaintiff is an inmate in the custody of the Federal Correctional Institution in Sheridan,
10 Oregon, and he initiated this action by filing a motion to proceed *in forma pauperis* (IFP), a
11 motion for appointment of counsel, and a complaint against the Washoe Tribal Council and its
12 sub-entities, as well as a motion to stay criminal and civil actions, and a motion to compel. (ECF
13 Nos. 1, 1-1, 1-2, 1-3.)

14 The initial IFP application was not on the court's form, and the court presumed that
15 Plaintiff was pursuing a civil rights action under 42 U.S.C. § 1983. As such, on August 7, 2023,
16 the court issued an order giving Plaintiff 30 days to file a completed IFP application for an
17 inmate on the court's form or pay the full \$402 filing fee to initiate a civil rights action. (ECF
18 No. 8.) Unbeknownst to the undersigned, Plaintiff had several documents to the court for filing
19 that were received by the court on August 4, 2023, but the documents were not entered in the
20 docket until August 8, 2023. These documents included another IFP application where Plaintiff
21 indicated he was pursuing a petition for habeas corpus, along with his petition for writ of habeas
22 corpus and another motion for appointment of counsel. (ECF Nos. 5, 6, 7.) In addition, the Clerk
23 received a \$5.00 money order to satisfy the filing fee for a habeas petition.

1 After reviewing all of the documents filed by Plaintiff, the court believes it is Plaintiff's
2 intent to pursue habeas relief in this action. Therefore, the court's order set forth at ECF No. 8 is
3 hereby **WITHDRAWN**, and the Clerk shall **CONVERT** this matter to a habeas action.

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5 **IT IS SO ORDERED.**

6 Dated: August 11, 2023

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Craig S. Denney
United States Magistrate Judge

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